

To: CN=Erin Foresman/OU=R9/O=USEPA/C=US@EPA[]
Cc: CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]
From: CN=Karen Schwinn/OU=R9/O=USEPA/C=US
Sent: Fri 5/6/2011 6:52:00 PM
Subject: Re: BDCP EIS Alternatives

That's very helpful. Didn't know about that lawsuit.

DWR is doing this to some extent - their attn advising/reviewing the EIR seems totally separate from the discussions with water contractors. And maybe that how Patti's role is as well? The rest of it seems murky - a lawsuit waiting to happen perhaps.

----- Original Message -----

From: Erin Foresman
Sent: 05/06/2011 10:56 AM PDT
To: Karen Schwinn
Subject: Re: BDCP EIS Alternatives

don't know if you are interested in this or not but the firewall thing is all about how the applicant (S&F water contractors/DWR) has to pay for the environmental review work but is not allowed to direct the nepa disclosure process. corps was sued on this for sunrise douglas and some other large development projects and the courts found that the corps basically took the applicant's analysis and made it their own w/o any or minimal changes to it. so now the corps says they need to keep an "arms distance" or "firewall" or whatever to maintain integrity of the nepa process and their technical analysis and decision making. for this project DWR (and maybe S&F water contractors) has been directing the consultants not the lead federal agencies. there doesn't appear to be a firewall. the newest example is their decision to identify the alternatives to be considered in the nepa document on may 19. maybe this is their answer to the question about an mou. actions speak louder than words after all.

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<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

From: Karen Schwinn/R9/USEPA/US
To: "David Nawi" <David_Nawi@ios.doi.gov>, "Patricia S Idlof" <Pidlof@usbr.gov>
Date: 05/05/2011 06:06 PM
Subject: Re: BDCP EIS Alternatives

so much for the "firewall" I guess. Not that I understood that issue anyway.

Patti - I guess that means tomorrow or Monday?

From: "Nawi, David" [David_Nawi@ios.doi.gov]
Sent: 05/05/2011 08:38 PM AST
To: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>; Karen Schwinn
Cc: "Idlof, Patricia S" <Pidlof@usbr.gov>; Michael Tucker <Michael.Tucker@NOAA.GOV>; "Castleberry, Dan" <dan_castleberry@fws.gov>; "Barajas, Federico" <FBarajas@usbr.gov>; "Fry, Susan M" <SFry@usbr.gov>
Subject: BDCP EIS Alternatives

Karen, Mike - I was just at a BDCP meeting (Executive Committee) at which there was considerable discussion of the alternatives to include in the EIS/EIR. The lead agencies are scheduled to meet Tuesday of next week to try to come to closure on the alternatives, and the Executive Committee expects to hear about a "final decision" on alternatives when they next meet on May 19. (They think the decision is theirs – not the case even though they are paying for it.)

By this email, I am requesting that Patti brief you on where things stand and where they appear to be going. If you have any questions or concerns or want to add to or modify the alternatives in the DEIS, this is the time to bring those forward.

David